

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

KYMBERLY HOBBS,
ADMINISTRATOR OF THE ESTATE
OF CHARLES JAMES GIVENS,
DECEASED,

Plaintiff,

V.

ANTHONY RAYMOND KELLY, et al.,

Defendants.

Case No. 1:23cv00003

DEFENDANTS ANTHONY KELLY, GREGORY PLUMMER, JOSHUA JACKSON AND WILLIAM MONTGOMERY'S WITNESS AND EXHIBIT LIST

Pursuant to the Court's order and Fed. R. Civ. P. 26(a)(3), Joshua Jackson, Anthony Kelly, Gregory Plummer and William Montgomery make the following disclosure of witnesses and exhibits:

I WITNESSES EXPECTED TO BE CALLED

1. Joshua Jackson
2. Anthony Kelly
3. Gregory Plummer
4. William Montgomery
5. Samuel Osborne
6. Erik Christensen, M.D.
2081 Logan Avenue
Salt Lake City, Utah 84108

7. Mark Sochor, M.D.
Department of Emergency Medicine
University of Virginia Health System
P.O. Box 800699
Charlottesville, VA 22908

II WITNESSES WHO MAY BE CALLED IF THE NEED ARISES

1. John Nettles
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
2. Joe Samaniego
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
3. Captain Tony Russell
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
4. Nurse Lori Pauley
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
5. Captain Travis Poston
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
6. Warden Jeffery Artrip
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
7. Brian Harrington
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354

8. Dr. Anne Horst
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
 9. Nurse Tammy Jones
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
 10. Nurse Casey Hash
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
 11. Nurse Kimberly Hale
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
 12. Carl Cox
Marion Correctional Treatment Center
110 Wright Street
Marion, VA 24354
 13. Any witnesses identified or subpoenaed by the parties.
 14. Any witnesses necessary to authenticate exhibits.
 15. Any witness necessary for impeachment.
- III EXHIBITS EXPECTED TO BE INTRODUCED
1. Marion Correctional Treatment Center's records regarding Givens including:
 - a. Rounding charts from February 5, 2022 (VDOC 002639-002642)
 - b. Email between Cynthia Lester and Corena McGhee dated February 5, 2021 (MCTC000302)
 - c. Officer's Log Sheet dated March 12, 2021 (2VDOC000401)

- d. Email from Tammy Jones to Jeffrey Artrip dated December 8, 2021 (VDOC06153)
 - e. Email from Jennifer Thompson dated December 15, 2021 regarding infirmary request for Inmate Givens (MCTC-000338)
 - f. Virginia Department of Corrections' Facility Bed History from 04/26/2011 to 02/05/2022 (2VDOC001891-1897)
 - g. Marion Correctional Treatment Center Daily Report dated April 21, 2019 (E_VDOC00024126-00024132)
 - h. Marion Correctional Treatment Center Daily Report dated October 1, 2019 (MCTC000097-000104)
 - i. Marion Correctional Treatment Center Daily Report dated November 17, 2019 (E-VDOC00023910-00023916)
 - j. Marion Correctional Treatment Center Daily Report dated December 5, 2019 (E-VDOC00023900-00023907)
 - k. Marion Correctional Treatment Center Daily Report dated January 11, 2020 (E_VDOC00023883-00023889)
 - l. Marion Correctional Treatment Center Daily Report dated February 12, 2020 (E_VDOC00023842-00023861)
 - m. MCTC Sick Call – Daily Flowsheet dated December 9, 2021 (MCTC000311 – produced in native format)
 - n. Email chain between Dr. Horst, Nurse Lester and FNP Jones dated December 9, 2021 (MCTC000399-000401)
 - o. Continuum of Care Request incorrectly dated December 9, 2020 (MCTC000369-000370)
 - p. Email from Jennifer Thompson dated December 17, 2021 (MCTC000368)
2. Givens's medical records including:
- a. Medication Administration Records from January 2021 to February 2022 from Marion Correctional Treatment Center (3 VDOC000009-0000304)

- b. Smyth County Community Hospital's records from December 1-8, 2021 (MKJP00417-00948)
- c. DNR dated 12/02/2021 (VDOC005836)
- d. Marion Correctional's Progress Note dated June 17, 2014 (HOBBS003885)
- e. Marion Correctional's Progress Note dated December 12, 2015 (VDOC007410)
- f. Marion Correctional's Progress Note dated December 16, 2015 (VDOC007409)
- g. Smyth County Community Hospital's ER Records dated December 17, 2015 (HOBBS006358-006360)
- h. Smyth County Community Hospital's Discharge Summary dated December 17, 2015 (HOBBS006329-006331)
- i. Marion Correctional's Progress Note dated August 31, 2017 (VDOC004097)
- j. Marion Correctional's QMC Consultation Request dated September 5, 2017 (VDOC004055)
- k. Marion Correctional's Consultation Report dated June 8, 2018 (HOBBS000376)
- l. Marion Correctional's Progress Note dated August 29, 2018 and October 1, 2018 (VDOC004981-004892)
- m. Marion Correctional's Nursing Evaluation Tool dated October 3, 2018 (VDOC004748)
- n. Marion Correctional's Progress Note dated October 4, 2018 (VDOC004890)
- o. Marion Correctional's Progress Note dated October 26, 2018 (VDOC004885)
- p. Marion Correctional's Progress Note dated November 10, 2018 (VDOC004747)

- q. Marion Correctional's Progress Note dated November 13, 2018 (VDOC004781)
- r. Marion Correctional's Progress Note dated December 3, 2018 (VDOC004882)
- s. Marion Correctional's Progress Note dated January 2, 2019 (VDOC004724)
- t. Marion Correctional's Progress Note dated April 27, 2020 (VDOC006135)
- u. Marion Correctional's Progress Note dated October 6, 2020 (VDOC005745)
- v. Marion Correctional's Progress Note dated November 18, 2020 (VDOC005292)
- w. Marion Correctional's Fall Risk Assessments from August 5, 2017 to November 18, 2020 (VDOC005965-005968)
- x. Marion Correctional's Progress Note dated February 4, 2021 (VDOC005797)
- y. Smyth County Community's Discharge Summary dated February 8, 2021 (MCTC000246-000253)
- z. Marion Correctional's Progress Note dated May 15, 2021 (VDOC005775)
- aa. Marion Correctional's Progress Note dated May 19, 2021 (VDOC006213)
- bb. Marion Correctional's Nursing Evaluation Tool dated June 7, 2021 (VDOC006132)
- cc. Marion Correctional's Progress Note dated June 9, 2021 (VDOC006178)
- dd. Smyth County Community's ER Record dated June 17, 2021 (HOBSS000981-000984)
- ee. Marion Correctional's Progress Note dated June 21, 2021

(VDOC006174)

- ff. Marion Correctional's Progress Note dated June 28, 2021 (VDOC006129)
- gg. Marion Correctional's Mental Health Services Progress Note dated June 28, 2021 (VDOC006207)
- hh. Marion Correctional's Interdisciplinary Team Reassessment dated June 28, 2021 (VDOC005926-005927)
- ii. Marion Correctional's Annual Psychology Re-Assessment dated July 12, 2021 (VDOC005861-005862)
- jj. Marion Correctional's Objectives and Intervention Plans dated October 2, 2021 (VDOC005909)
- kk. Marion Correctional's Progress Note dated October 26, 2021 (VDOC006121)
- ll. Marion Correctional's Progress Note dated November 8, 2021 and November 9, 2021 (VDOC006158)
- mm. Marion Correctional's Progress Note dated November 17, 2021 (VDOC 006191)
- nn. Marion Correctional's Mental Health Monitoring Report dated November 29, 2021 (VDOC 005949)
- oo. Smyth County Acute Physical Therapy Evaluation dated December 6, 2021 (MCTC-000204-000207)
- pp. Smyth County Community's Discharge Instructions dated December 8, 2021 (MCTC00342-00344)
- qq. Marion Correctional's Health Services Complaint and Treatment Form dated December 8, 2021 (VDOC006154)
- rr. Marion Correctional's Health Services Complaint and Treatment Form undated (VDOC006157)
- ss. Marion Correctional's Annual Psychosocial Reassessment dated December 17, 2021 (VDOC005875-005876)

- tt. Marion Correctional's Interdisciplinary Team Reassessment dated December 27, 2021 (VDOC005919)
 - uu. Marion Correctional's Progress Note dated January 3, 2022 (VDOC006116)
 - vv. Marion Correctional's Progress Note dated January 6, 2022 (VDOC006115)
 - ww. Marion Correctional's Progress Note dated January 12, 2022 (VDOC006113)
 - xx. Marion Correctional's Progress Note dated January 25, 2022 (VDOC006110-006111)
 - yy. Radiology Report from Smyth County Community Hospital dated 06/07/2021 (HOBBS000917)
 - zz. History and Physical dated 07/18/2009 and Discharge Summary dated 07/29/2009 from Northeast Alabama Regional Medical Center (VDOC007148-7152)
3. Video recordings and pictures of Marion Correctional Treatment Center including:
- a. Marion Correctional's February 5 surveillance videos (Rapid Eye) or portions thereof (MCTC254, MCTC255, MCTC256, MCTC257)
 - b. Pictures of 2B and shower room (DSC_3379-3389, DSC_3391-3393, DSC_3396, DSC_3399, DSC_3400, DSC_3405, DSC_3410, DSC_3411, DSC_3415, DSC_3432, DSC_3446-3447, DSC_3452-3459, DSC_3470, DSC_3484-3485)
 - c. Marion Correctional's Diagram of 2B (HOBBS004742)
4. Video recordings from Virginia Department of Corrections including:
- a. Interviews with West taken on February 27, 2023 and May 8, 2023 (Hobbs production on 08/16/2023)
5. Grand jury transcript of Ronald West's testimony dated August 23, 2022

6. Dr. Christensen's curriculum vitae
7. Dr. Sochor's curriculum vitae
8. Affidavit in Support of Petition for Order for Involuntary Admission dated May 21, 2014 and Order for Involuntary Admission dated May 23, 2014 (2VDOC000593-597)
9. Lee Circuit Court Online Sentencing for First Degree Murder and Use of Firearm in Felony First Offense dated April 5, 2011 (Exhibit 3 to Poston's Memorandum in Support of Motion for Summary Judgment)
10. Lee County Circuit Court Sentencing Order for First Degree Murder and Use of Firearm to Commit Felony entered April 9, 2011 (Recorded in Order Book 110 Pages 1147-1148)
11. Kymberly Hobbs's letter to the Court for sentencing dated April 4, 2011 (HOBBS008609-8611)

IV EXHIBITS THAT MAY BE INTRODUCED IF THE NEED ARISES

1. Audio recordings from Virginia Department of Corrections including:
 - a. Phone call between West and Stanley (MKJP01505)
 - b. Phone call between Catron and Debbie Douglas (VDOC Production dated 02/06/2024, 164407835_133_13_69_95.wav)
2. Autopsy report, report of investigation, certificate of analysis and pictures from autopsy (SIU 000841-000849, SIU 000562-000601);
3. Dr. Christensen's report and reference materials;
4. Dr. Sochor's report and reference materials;
5. Other documents produced in discovery;
6. Any exhibits identified by the parties, not objected to;
7. Pleadings;
8. Documents to be used for impeachment; and

9. Summaries of records, charts, timelines, demonstrative aids.

ANTHONY RAYMOND KELLY
GREGORY SCOTT PLUMMER
JOSHUA RAY JACKSON
WILLIAM ZACHARY
MONTGOMERY

By Counsel

Cameron S. Bell
VSB No. 47685
PENN, STUART & ESKRIDGE
P.O. Box 2288
Abingdon, Virginia 24212
Telephone: 276/628-5151
Facsimile: 276/628-5621
cbell@pennstuart.com

Timothy W. McAfee
Virginia State Bar Number: 21779
McAfee Law Firm, PLLC
P.O. Box 610
408 Wood Avenue
Big Stone Gap, VA 24219
Telephone: (276) 523-5300
Fax: (540) 301-5777
E-mail: tim@mcafee-law.com

By /s/ Cameron S. Bell
Cameron S. Bell
Counsel for Defendants Kelly, Plummer, Jackson and Montgomery

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Cameron S. Bell